



SCULLY SCOTT MURPHY & PRESSER PC
400 GARDEN CITY PLAZA
SUITE 300
GARDEN CITY, NY 11530

COPY MAILED

MAR 08 2006

In re Application of
Louis Schofield
Application No. 09/787,111
Filed: May 14, 2001
Attorney Docket No. 18861

**OFFICE OF PETITIONS
ON PETITION**

This is a decision on the petition, filed January 9, 2006 under 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

A non-Final Office Action was mailed November 17, 2004. A response was due not later than February 17, 2005. A response in the form of an amendment was filed May 20, 2005 (May 17, 2005 certificate of mail date) with a three month extension of time request. However, on May 27, 2005 the applicant was advised that the amendment filed was non-compliant under 37 CFR 1.121. The time for response was one month from the mailing of the May 27, 2005 Notice. No timely response having been filed, the application became abandoned June 28, 2005 and accordingly, a Notice of Abandonment was mailed December 16, 2005.

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by:

(1) the required reply (unless previously filed), which may be met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute, but must be the payment of the issue fee or any outstanding balance thereof in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof;

(2) the petition fee required by 37 CFR 1.17(l);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) in a design application, a utility application filed before June 8, 1995, or a plant application filed before June 8, 1995.

A supplemental amendment is submitted with the petition to revive.

This matter is being referred to Technology Center 1645 for processing of the amendment.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in cursive script, reading "Patricia Faison-Ball".

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions